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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 009053

SIPDIS

NSC STAFF FOR SINGH

E.O. 12958: DECL: 12/05/2015

TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [EG](#)

SUBJECT: EGYPT: OPPOSITION LEADER NOUR REMANDED TO CUSTODY

REF: CAIRO 8034

Classified by Ambassador Francis Ricciardone for reasons 1.4 (b) and (d).

1. (C) Judge Adel Abdel Salam Gom'a ordered opposition leader Ayman Nour remanded to custody on December 5 until a December 10 hearing. Amir Salim, Nour's lead defense attorney, told the media he presumed the detention order was a prequel to a conviction and prison sentence. In late November meetings with poloff and Staffdel Grove, Nour had predicted that his conviction and imprisonment were imminent. The Embassy has repeatedly conveyed its concerns, at both senior and working levels of the GOE. The GOE maintains that Nour's case is a routine criminal matter. Our public remarks need to communicate our concern that his detention sends the wrong message about democratic reform in Egypt.

Embassy Engagement

2. (C) In the past week, Embassy Cairo has raised the Nour case with the GOE, at both senior and working levels to convey concern that his incarceration would send a negative signal for democratic reform and could damage the relationship:

-- During a December 5 meeting with Egyptian Intelligence Chief Omar Soliman (septel - notal), The Ambassador warned that Nour's imprisonment could have negative repercussions for Egypt's relationship with the U.S. Imprisoning opposition leaders makes Egypt look weak, not strong. The Ambassador also predicted to Soliman that if Nour is handed a jail sentence he will become an attraction "like the pyramids" for high profile USG visitors - an outcome likely to embarrass the GOE.

-- On December 1, the Ambassador also cautioned Defense Minister Tantawi, on the margins of the annual Military Cooperation Council meetings, that Washington was watching the Ayman Nour trial and that a conviction and imprisonment would likely be perceived as political and create tensions in the bilateral relationship.

-- Similarly, Nour's case came up during Staffdel Grove's December 1 meeting with four senior advisors to Defense Minister Tantawi. Asked for his candid impressions of Egypt's progress on political reform, Grove told his Egyptian hosts that Washington had noted with concern recent trial of a prominent political dissident, adding that his conviction and imprisonment could have a negative impact on other aspects of the bilateral relationship, including the military assistance package that had just been under discussion.

-- Also on December 1, in a meeting on other issues, the DCM raised the Ayman Nour case with Presidential Foreign Policy Advisor and Spokesman, Soliman Awad. The DCM said the USG has no affinity for Nour, but a conviction and incarceration would draw criticism and fuel skepticism in Washington over Egypt's political reforms. Awad, visibly stiffening, replied that the Ayman Nour case is not an appropriate topic for U.S.-Egyptian bilateral relations. Awad continued that Nour has received a fair trial with the "best lawyers money can buy." He has been able to call witnesses and writes about their court testimony in his newspaper every day. Mubarak, he said, would never acknowledge linkage between Nour and U.S. interests. He can tolerate criticism from the press and civil society but if Nour was swept into the discussion of the FTA, for example, Mubarak would simply tell Trade Minister Rashid to drop the FTA. "I have been with this President a year; I have shown him the international press reports on Nour. He always says that he is not interested. He would just tell Rashid to drop it; it's not worth it."

-- Separately, ECPO Minister-Counselor made similar points on the Nour case to the Assistant Foreign Minister for Legal Affairs during an early December meeting. ECPO Counselor also cautioned a principal aide to Gamal Mubarak on December 5 that Nour's conviction and imprisonment would almost inevitably complicate the bilateral relationship.

Our Public Reaction

13. (C) Nour has not yet been convicted, and an acquittal, though unlikely, is still possible. We will want to hold in reserve our strongest language for if and when he is convicted, but we should nonetheless go on the record as soon as possible with our concerns. We recommend language (on an "if asked" basis) along the following lines:

BEGIN TEXT

-- We understand that the judge presiding over the Ayman Nour case ordered that Nour be remanded to custody pending a hearing on December 10.

-- Nour's detention today raises serious concerns about the path of political reform in Egypt.

-- Whatever the merits of this particular case, the imprisonment of a prominent and credible political opposition leader risks sending the wrong signal about democracy and freedom.

-- We will withhold further comment pending a verdict.
END TEXT

Background:

-- Ayman Nour won 8 percent of the vote in September's historic presidential election, the first time the Egyptian people had the opportunity to vote in a competitive presidential election.

-- The Government of Egypt has stressed its desire to see a credible political opposition develop.

RICCIARDONE